GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri J. Sadasivaiah, Retired LIC Employee, Nehru Nagar, Tirupati, Chittoor District against the Proceedings, dated. 19.03.2021 of the Collector & District Magistrate, Chittoor cancelling his ST-'Yanadi' Caste Certificate, under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (A.P. Act No.16/1993) – Appeal Petition Dismissed – Orders - Issued.

TRIBAL WELFARE (CV.2) DEPARTMENT

G.O.Ms.No.17, **Dated:21.02.2023.**

Read the following:-

1. Proceedings of the Collector & District Magistrate, Chittoor District in Roc.C3/REV-CSECOVC(ver)47/2018, dated.19.03.2021.
2. Appeal Petition filed by Sri J. Sadasivaiah, Retired LIC employee, Nehru Nagar, Tirupati, Chittoor District, dt.04.08.2021.
3. Govt. Memo No.1482046/CV.2/2021, Dated 20.08.2021.
4. From the Collector & District Magistrate, Chittoor in Lr.Roc.No.C3/REV-CSEC0VC(ver)/47/2018, dated.18.01.2022.
5. Govt. Memo No.1482046/CV.2/2021, Dated 04.03.2022 & 18.11.2022.
6. Written arguments filed by the appellant before the Government, dt.25.11.2022.

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ORDER:

In the Proceedings 1st read above, the Collector & District Magistrate, Chittoor has issued orders cancelling the ST-'Yanadi' Caste Certificate of Sri J. Sadasivaiah, Retired LIC employee, Nehru Nagar, Tirupati, Chittoor District.

2. Aggrieved by above, in the reference 2nd read above, Sri J. Sadasivaiah has filed an Appeal Petition before the Government against the Proceedings, dt.19.03.2021 of the Collector & District Magistrate, Chittoor duly submitting grounds in support of his claim of ST 'Yanadi' Community and prayed to set aside the Proceedings of the Collector & District Magistrate, Chittoor, dt.19.03.2021. After examining the above said Appeal Petition, Government while admitting the same has granted stay on the operation of the Proceedings of the District Collector, Chittoor dt:19.03.2021 and called for the Para-wise remarks on the grounds filed by the Appellant along with connected records from the Collector & District Magistrate, Chittoor vide reference 3rd read above.

3. In reply to above, the Collector & District Magistrate, Chittoor vide reference 4th read above has furnished the para-wise remarks along with connected records on the Appeal Petition filed by Sri J. Sadasivaiah.

4. The said Appeal Petition has been posted for hearing the above case before the Hon'ble Appellate Authority on several dates and finally on 26.11.2022 duly informing the same to the Appellant for attending before the Appellate Authority vide reference 5th read above. The appellant and his Counsel have attended the hearing on the said date and submitted his written arguments and on perusal of the records/ the copies of evidences/ academic record/ grounds & written arguments filed by the Appellant and the para-wise remarks submitted by the Collector & District Magistrate, Chittoor along with his Proceedings, dt.19.03.2021, the Appellate authority has observed that;

- This Appeal is against the proceedings and orders of the District Collector, Chittoor, Dt.19-03-2021 passed in Roc.C3/Rev-CSECOVC(ver)47/2018, cancelling the ST-Yanadi certificate purported to have been issued to the Appellant here in by the Tahsildar, Srikalahasti, dt.28-04-1987.

- The main contention of the Appellant is that he submitted a certificate issued as ST in the year 1981 by the Tahisldar, Srikalahasti as his native village Pillamedu comes under his jurisdiction, at the time of seeking employment in LIC of India, and thatdenying the certificate that said to have been issued on 28-04-1987 which was infact issued in 1981 and that the authorities came to a wrong conclusion overlooking the year of issuance of the certificate and attributing fakeness to a genuine certificate is not tenable, and the enquiry was not conducted properly and the job was given to him based on a community certificate issued in 1981 and education qualification.

[Contd..on P.2]

- Perused the connected records. In the instant case, as the action was initiated by the District Collector on the basis of the request made by the General Manager (I &PR), LIC of India, Divisional Office, Darga Nlitta, Nellore on the genuineness of the certificate issued to the Appellant here in which was purported to have been issued by the then Tahsildar, Srikalahasti on 28.04.1987 as "Yanadi" which comes under ST category.

- At the instance of the orders of the District Collector, the District Level Scrutiny Committee (DLSC) under the A.P (SC, ST & BC's) Regulation of Issue ofCommunity, Nativity and Date of Birth Certificate Rules 1997,conducted a detailed enquiry on the caste status of the Appellant and concluded that the Appellant does not belong to 'Yanadi" (ST) and belongs to "Balija" (OC).

- The finding of the DLSC is that the Appellant obtained false certificate for getting the job in fraudulent method and the villagers/Blood relatives of the Appellant also confirmed that he belongs to OC-Balija caste. The claim of the Appellant before the DLSC that his mother belongs to ST-Yanadi and his father belongs to OC-Balija caste was also not accepted on the basis of the field level enquiries.

- By the District Collector, a show cause notice was issued to the Appellant calling for an explanation enclosing the copy of the findings of the DLSC on 13-12-2020 and the Appellant submitted his explanation dated 20-01-2021.

- The key finding of the District Collector is that the caste certificate which is in question issued by the Tahsildar, Srikalahasti dt.28.04.1987 is not genuine as itcould be seen from that it which does not contain any certificate number, and thedesignation of the issuing authority is in writing as "Tahsildar, Srikalahasti" but there was no such designation during the year 1987, and after formation of Mandals the post was designated as Mandal Revenue Officer and further held thatthe ordinary residence of the Appellant here in is Pillamedu village which falls under the jurisdiction of Thottambedu mandal, but the certificate purported to have been given by the Tahsildar, Srikalahasti on 28.04.1987.

- The District Collector finally passed an order cancelling the caste certificate purported to have been issued in C. No. NIL dated 28.04,1987 by the then Tahsildar, Srikalahasti in favour of the Appellant as "Yanadi" (ST) and declared that he belongs to Balija caste(OC), in exercise of the powers conferred under rule 5 (I) of the A.P (SC, ST & BC's) Regulation of Issue of Community, Nativity and Date of Birth Certificate Rules 1997 and further held that any caste certificate that might have been issued by any officer to the claimant as ST-Yanadi would deemed to have been cancelled.

- The point for the consideration is whether the community certificate issued in the year 1987 in favor of the Appellant is valid or not? A detailed description of the certificate given by the District Collector in his order clearly shows that it is afraudulent one. The Appellant failed to clarifyhow the Certificate said to have beenissued in the year 1987 cameinto existence and why the same was submitted to the LIC authorities and how the same can be treated as if it was issued in the year 1981 by the Tahsildar, Srikalahasti.

- Admittedly the ordinary residence of the Appellant is Pillamedu village. As per the records the village falls under the jurisdiction of Thottambedu mandal, as such the Tahsildar of Thottambedu is the competent authority to issue the community certificate but not the Tahsildar, Srikalahasti who has no jurisdiction over Pillamedu Village. Moreover, there is no evidence placed to claim his status from her mother allegedly ST-Yanadi.

- From the orders of the District Collector and other material papers available, it is seen that the Appellant was given an ample opportunity before the DLSC as well as the District Collector to submit his detailed explanation with evidence in support of his claim. Moreover, as per the Section 6 of the Act and Rule 6 made there under the Act, as and when any enquiry is contemplated on the genuineness of the Community Certificate obtained by any individual, the onus lies on him to prove that he belongs to that community. The Appellant failed to establish that he belongs to ST-Yanadi Community in this case.

- Even assuming for the argument sake, that the Appellant was given a certificate in the year 1981 certifying him as ST-Yanadi, that alone does not preclude the authorities to initiate an enquiry if they have come to know that a certificate was obtained fraudulently in the year 1987. As laid down by the Supreme Court in Kumar Madhuri Patil & another Vs Addl. Commissioner, Tribal Welfare, (AIR 1995 SC), the plea of promissory estoppel or equity have no application, when it is found to be a case of fraud played by the concerned, no sympathy and equitable considerations can come to his rescue.

[Contd..on P.3]

- The District Collector is empowered under Section 5(1), either on suo-motu or on a written complaint in person, can call for the record of any person who obtained false Community Certificate either before or after the commencement of the Act and enquire into the correctness of such certificate. If the District Collector is of theopinion that the certificate was obtained fraudulently, he shall by notification cancelthe certificate after giving the person concerned an opportunity of making arepresentation. Therefore, the impugned order passed by the District Collector is inaccordance with the provisions of the law.

- In view of the above, the impugned order passed by the District Collector cancelling the caste certificate purported to have been issued in C.No.NIL dated 28.04,1987 by the then Tahsildar, Srikalahasti in favour of the Appellant as "Yanadi" (ST) is valid and proper.

- Appeal is hereby dismissed. The impugned order passed by the District Collector, is hereby confirmed. The interim order passed if any in the matter, is hereby vacated.

5. Government after careful examination of the appeal petition and the circumstances stated supra and in exercise of the powers conferred under Section 7(2) of A.P. (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (Act 16 of 1993), and rules made there under, decide that the appeal petition filed by Sri J. Sadasivaiah does not deserve any interference. Hence, the Proceedings in Roc.C3/REV-CSECOVC(ver)47/2018 dated.19.03.2021of the Collector & District Magistrate, Chittoor is hereby upheld and the appeal petition filed by Sri J. Sadasivaiah, is hereby dismissed. The certificate issued by the then Tahsildar, Srikalahasti deemed to be cancelled and the interim stay granted earlier stands vacated.

6. The Collector & District Magistrate, Tirupati / Collector & District Magistrate, Chittoor are directed to take necessary consequential action in the matter, accordingly.

7. The records (Roc.C3/REV-CSECOVC(ver)47/2018) containing pages (CF:1 to 296 and NF: 1-18) received from the Collector & District Magistrate, Chittoor in the reference 4th read above, are returned herewith in original to the Collector & District Magistrate, Tirupati with a request to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KANTILAL DANDE
SECRETARY TO GOVERNMENT

To
The Collector & District Magistrate, Tirupati.(w.e)
(with original records) (BY RP)

Sri J. Sadasivaiah S/o Narayana,
205, Narayan Vihar, Nehru Nagar,
Tirupati, Chittoor District.-517501.

Copy to:

The Collector & District Magistrate, Chittoor.

The PS to Hon'ble Deputy CM(TW).
The PS to Secretary(TW)

The Manager(P&IR), LIC of India,
Divisional Office, Jeevan Prakash, Dargamitta, Nellore.

Sf/Sc.(E1482046)

// FORWARDED:: BY ORDER //

SECTION OFFICER